

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-38056-2023

Date of Decision:09.08.2023

Lakhwinder Singh @ Lakha

...Petitioner

Vs.

State of Punjab and Anr.

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Sultan Singh Gill, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present petition under Section 439 Cr. PC with a prayer to grant regular bail to him in case FIR No.55 dated 26.05.2023 under Section 61 of the Punjab Excise Act, 1914 registered at Police Station Kathu Nangal, District Amritsar Rural.

2. As per the case of the prosecution, on the basis of a secret information, a raid was conducted at the house of Lakhwinder Singh @ Lakha, accused, who fled away from the spot on seeing the police party. However, from the spot, articles of working still, 20 bottles of illicit liquor and one burnt drum having distilling illicit liquor were recovered. On the basis of the same, the FIR under Section 61 of the Punjab Excise Act, was ordered to be registered against the petitioner.

3. Learned counsel for the petitioner submits that the petitioner was not arrested at the spot and has been falsely implicated in the present case, at the instance of a private liquor contractor. Even the police had entered the property of the petitioner along with 10/12 goons of private liquor contractor, without any reason in the absence of the petitioner. Learned counsel further contends that the recovery has already been effected from the spot and the

investigation is almost complete in the present case. Learned counsel further contends that 08 more FIRs have been registered against him, however, he has been acquitted in all the cases.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the three more cases were ordered to be registered against the present petitioner, however, he admits that in two cases the petitioner has been ordered to be acquitted and only in one case he was ordered to be convicted and has already undergone the sentence.

5. I have heard the learned counsel for the parties and with their able assistance, I have gone through the record.

6. Without any commenting of the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate with the following condition:-

(i) *The petitioner shall remain present before the learned Trial Court on the date fixed for the hearing of the case. In case, he want to remain absent, he shall seek prior permission of the Trial Court.*

(ii) *Further, in case the petitioner indulges in any criminal activity during the pendency of the appeal, it shall be viewed seriously and the prosecution shall be at liberty to move an application for cancellation of bail granted to the present petitioner.*

(N.S.SHEKHAWAT)
JUDGE

09.08.2023
hitesh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No